

LAKE TOWNSHIP, ROSCOMMON COUNTY MICHIGAN
ZONING ORDINANCE AMENDMENT

ORDINANCE NO. ____

At a regular meeting of the Township Board of Lake Township, Roscommon County, Michigan, held at the Lake Township Hall on _____ at 7:00 p.m., Township Board Member _____ moved to adopt the following Ordinance, which motion was seconded by Township Board Member _____.

An Ordinance to amend the Lake Township Zoning Ordinance, as amended, to update various regulations, including regulations pertaining to fences, accessory structures, and outside toilets, in order to maintain the public health, safety, and welfare of the residents of Lake Township.

LAKE TOWNSHIP, ROSCOMMON COUNTY, ORDAINS:

SECTION 1. AMENDMENT OF ARTICLE II, SECTION 202. The Lake Township Zoning Ordinance, Article 2, Section 202, shall be amended to add definitions for the terms "Lot Coverage" and "See Through Fence," which shall read as follows:

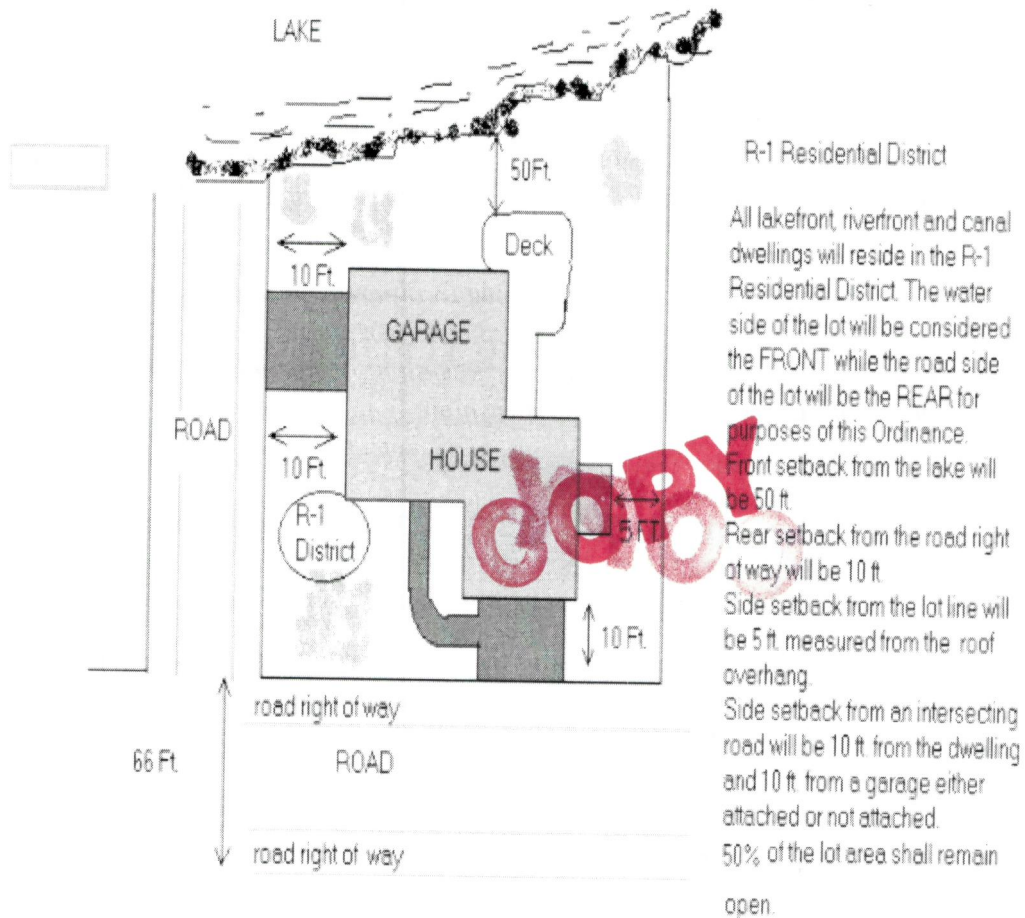
Lot Coverage: The area of a lot, stated in terms of a percentage, that is covered by structures located thereon. This shall include all structures, arbors, breezeways, and any decks, patios, and porches twelve (12) inches above grade or higher; but shall not include fences, walls, driveways, sidewalks, hedges used as fences, detached stairways, ground-floor stairways, wheelchair ramps, in-ground swimming pools, or any decks porches, or patios less than twelve (12) inches above grade. Lot coverage shall be measured from the wall or foundation of the structure.

See Through Fence: A fence designed to act as a barrier or decoration containing sufficient open space to allow relatively unobstructed visibility through the fence. See Through Fences shall include chain link fences, wrought iron fences, open mesh fences, split rail fences, and other traditional fencing types that do not exceed the ratio of one (1) part solid material to six (6) parts open space. See Through Fences shall also include fully transparent glass fences where the only opaque components are posts and railings.

SECTION 2. AMENDMENT OF ARTICLE II, SECTION 280.A. The Lake Township Zoning Ordinance, Article II, Section 280.A, shall be amended to read as follows:

280 ILLUSTRATIONS

A. Lot area and setbacks



SECTION 3. AMENDMENT OF ARTICLE III, SECTION 303.K. The Lake Township Zoning Ordinance, Article III, Section 303.K, shall be amended to read as follows:

303 FOOTNOTES TO SCHEDULE OF REGULATIONS

A. Where any parcel abuts water, the waterfront side shall be considered the front yard. Where a parcel abuts both a lake and a canal/river, the lakeside shall be considered the front yard.

B. In the AG District, all structures and uses must be setback at least seventy-five (75) feet from any lake, stream, waterway or designated wetland.

C. Front yards in the R-1 District are subject to the following additional regulations:

1. Front yards that abut a lakefront or a canal/river must maintain the Established Setback Line.

a. The Established Setback Line is calculated by the average of the actual waterfront setback measurements from all waterfront dwellings within two hundred (200) feet, left or right, of the proposed dwelling.

b. Dwellings shall not be included in the calculations for the Established Setback Line if they would create an erratic setback line, meaning that they are setback more than seventy-five (75) feet or less than twenty (20) feet from a lakefront, or more than forty-five (45) feet or less than fifteen (15) feet from a river/canal.

c. If there are no dwellings within two hundred (200) feet, left or right, of the proposed dwelling, the default front yard setback shall be Fifty (50) feet from the lakefront or twenty-five (25) feet from a canal/river.

d. Decks, porches and patios may extend beyond the Established Setback Line if they are under twelve (12) inches in height. Such structures shall be setback from the lakefront or canal/river a distance equal to 20% of the lot depth (so for a waterfront lot that is eighty-five (85) feet deep, a deck can be built as close as seventeen (17) feet to the waterfront).

2. Lakefront or canal/river setbacks shall be determined by measuring from the crest of the nearest seawall on the right to the crest of the nearest seawall on the left of the dwelling in question.

D. In the R-1 District if the side yard abuts a canal/river, the setback shall be ten (10) feet.

E. In the R-1 District, a ten (10) foot rear yard setback applies to waterfront parcels where the rear yard abuts the road right-of-way. In the case of non-waterfront property, the required rear yard setback is five (5) feet from property line.

F. Single-family dwellings in the R-2 District shall have a minimum lot area of 7,200 square feet. Minimum lot area for two-family dwellings in the R-2 District is 12,000 square feet.

G. Dimensions for Mobile Homes are as set forth in the Mobile Home Commission Act, Public Act 96 of 1987, and all amendments thereto.

H. For the MDU District, side yard setbacks shall be as follows:

1. Five (5) feet from an adjoining lot line.
2. Twenty (20) feet from a road right-of-way.
3. Ten (10) feet from a river/canal.
4. Ten (10) feet from a road end lake access easement.

I. Rear yard setback for Multiple Dwelling Units will be determined at time of Site Plan Review.

J. For structures in the C-W, C-1 and C-2 Districts, maximum building height can be increased to fifty-five (55) feet with a Special Land Use Permit.

K. In all districts, where a side lot abuts a road end lake access easement, all structures shall be setback at least ten (10) feet from the road end lake access easement.

L. Where applicable, all setbacks shall be measured from the edge of the roof overhang.

M. In all districts, corner lots must maintain a setback equal to the required road right of way setback from both streets.

N. In all districts, the road right of way setback must allow for all utility company easement requirements.

SECTION 4. AMENDMENT OF ARTICLE IV, SECTION 435.A. The Lake Township Zoning Ordinance, Article IV, Section 435.A, shall be amended to read as follows:

435 ACCESSORY STRUCTURES. Accessory structures shall conform with the following requirements:

A. General Standards. Except as otherwise provided, accessory structures in all districts must meet the following standard:

1. A Land Use Permit is required for all accessory structures.
2. Accessory structures must be located on the same lot or parcel of land as the principal structure, except as otherwise provided herein.
3. In all residential districts, no accessory structure shall involve the operation of a business. In addition, no accessory structure shall be used for dwelling, living, or sleeping purposes, with the exception of a living area above an attached garage, where access to said living area is provided solely through the attached dwelling and no exterior access or access through the garage is provided.
4. In all districts other than the AG District, only one detached accessory structure may exceed 600 square feet in floor area.
5. Accessory structures over 600 square feet shall have side walls of fourteen (14) feet or less and the highest point of the building shall be no more than twenty-four (24) feet, except for towers, antennas, flag poles and light poles, which shall not exceed thirty-two (32) feet in height.
6. Accessory structures under 600 square feet shall have side walls of twelve (12) feet or less and be no more than sixteen (16) feet at the highest point of the building, except for towers, antennas, flag poles and light poles, which shall not exceed thirty-two (32) feet in height.
7. In all zoning districts other than the AG District, no more than one (1) attached accessory structure and two (2) detached accessory structures (including temporary structures) will be permitted per parcel without a special use permit.
8. In the AG District, additional accessory structures or accessory structures exceeding the dimensions specified herein may be permitted if a site plan is submitted and approved.
9. Accessory structures must be of similar construction design and appearance that blend into the neighborhood.

10. Accessory structures on contiguous lots are prohibited, except where the contiguous lot has been adjoined legally to the dwelling lot and is recorded with the Roscommon County Clerk's Office or meets the requirements for a vacant lot of record as set forth in subsection B below.

11. Attached accessory structures, such as an attached garage or a carport, shall be considered an integral part of the principal structure to which it is attached and shall be subject to all setback and construction requirements applicable to the principal structure and shall have the same exterior appearance as the principal structure, in addition to the requirements for accessory structures specified in this Section.

12. Porches (whether open or enclosed), decks and patios permanently attached to a dwelling do not count towards the maximum number of permitted accessory buildings permitted per parcel and are considered an integral part of the dwelling to which they are attached. Such porches, decks and patios shall comply with all setbacks applicable to the dwelling to which they are attached.

13. No accessory building shall be located between the main structure and the water's edge except existing boathouses. New boathouses shall not be allowed. Existing boathouses may be rebuilt, repaired, and maintained on the existing footprint. A land use permit is required. Existing boathouses shall not be enlarged. MDNR/EGLE permits are required for boathouses prior to application for land use permits. Boathouses cannot be used for any purpose other than the storage of boats and boating accessories.

SECTION 5. AMENDMENT OF ARTICLE IV, SECTION 443. The Lake Township Zoning Ordinance, Article IV, Section 444, shall be amended to read as follows:

443 Mobile Food Vending

A. Mobile food vending (i.e., food trucks) shall be permitted as a temporary use in any zoning district upon issuance of a Land Use Permit, subject to the following conditions:

1. The mobile food vendor must receive permission from the owner of the property at which the food truck is located. No food trucks may be placed on Township property without the approval of the Township Board.
2. No food truck shall be operated on any property for more than forty-eight (48) consecutive hours.
3. In residential districts, no mobile food vendor shall operate between the hours of 9:00 p.m. and 9:00 a.m. In all other districts, no mobile food vendor shall operate between the hours of 11:00 p.m. and 7:00 a.m.
4. No food truck shall create a nuisance by reason of smoke, noise, or odor, be located within a public right-of-way, or impede the flow of pedestrian or vehicular traffic.

5. Mobile food vending shall be arranged to keep customers waiting in line away from traffic and outside of any public right-of-way.
6. No mobile food vendor shall provide or allow any dining area within ten (10) feet of the food truck or within ten (10) feet of any public right-of-way. Mobile food vendors shall not provide dining accommodations (such as tables, chairs, benches, etc.) for more than eighteen (18) patrons.
7. No flashing or blinking lights, or strobe lights are allowed on food trucks or related signage when the vehicle is parked and engaged in serving customers.
8. No food truck shall use external signage, bollards, seating or other equipment not contained within the vehicle. When extended, awnings for food trucks shall have a minimum clearance of seven (7) feet between the ground level and the lowest point of the awning or support structure.
9. All mobile food vendors shall provide a waste container for public use which the vendor shall empty at its own expense. All trash and garbage originating from the operation of food trucks shall be collected and disposed of off-site by the operators each day. Spills of food or food by-products shall be cleaned up, and no dumping of gray water on the streets is allowed.
10. Food trucks may only use self-contained electrical power or electrical power from the property being occupied or an adjacent property, but only when the property owner provides written consent to do so. No power cable or equipment shall be extended at or across any public street, alley or sidewalk.
11. Mobile food vendors shall comply with all applicable County and State requirements.

SECTION 6. AMENDMENT OF ARTICLE IV, SECTION 444. The Lake Township Zoning Ordinance, Article IV, Section 444, shall be amended to read as follows:

444 Port-a-Potty

- A. Outside toilets (port-a-potties) are prohibited except under the following circumstances:
 1. Port-a-potties are allowed for temporary use upon issuance of a Land Use Permit from the Ordinance Enforcement Officer, which shall be valid no more than fourteen (14) consecutive days and no more than twenty-eight (28) days per year, and shall require removal upon expiration of the Land Use Permit. Port-a-potties must comply with required setbacks. Port-a-potties kept in commercial zoning districts shall be screened from public view by a solid fence or wall (which may include being stored behind a structure) or by a natural vegetative barrier (such as

evergreens or shrubs) of sufficient density to screen from public view. Port-a-potties must be kept clean and appropriately emptied. Any failure to comply with the requirements of this Section shall result in the revocation of the Land Use Permit and shall require the removal of the port-a-potty from the site.

2. Port-a-potties are permitted without a Land Use Permit on active construction sites where work is being performed pursuant to a valid building permit, provided they are not within a required setback and only present when construction is ongoing.
3. Port-a-potties may be kept without a Land Use Permit as inventory on a lot containing a business lawfully engaged in the sale or renting of the same.

B. Any person, firm, or corporation who stores, keeps, places, maintains, or delivers a port-a-potty on any property that does not meet the requirements of this Section shall be deemed in violation of this Ordinance.

SECTION 7. AMENDMENT OF ARTICLE VIII, SECTION 802.C. The Lake Township Zoning Ordinance, Article VIII, Section 802.C, shall be amended to read as follows:

C. Fences in the R-1 District.

All fences in the R-1 District shall comply with the following standards:

1. Side yard fences. A fence not to exceed six (6) feet in height is permitted between the front corner of the dwelling and the rear corner of the dwelling or garage (attached or detached) that is closest to the road right-of-way, not to exceed applicable setbacks.
2. Rear yard fences. The following types of fencing are permitted in the rear yard:
 - a. A see through fence no more than four (4) feet in height or a privacy fence no more than three (3) feet in height are permitted from the rear corner of the dwelling to the road right-of-way.
3. Front yard fences. No fences shall be permitted beyond the front corner of the dwelling except as provided below.
 - a. See through fences no more than four (4) feet in height are permitted from the front corner of the dwelling to the water's edge.
 - b. Where an R-1 parcel abuts or adjoins a parcel designated CW, C-1 or C-2, or a public road-end access or a private easement of record, a fence no more than four (4) feet in height shall be permitted along the boundary line between the parcels beyond the front corner of the dwelling to the water's edge.

SECTION 8. SEVERABILITY: The provisions of this Ordinance are declared severable. If any part of this Ordinance is declared invalid for any reason by a court of competent jurisdiction, that

declaration does not affect or impair the validity of all other provisions that are not subject to that declaration.

SECTION 9. REPEAL: All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed.

SECTION 10. EFFECTIVE DATE: This Ordinance shall take effect seven days after publication of a notice of adoption of this Ordinance unless referendum procedures are initiated under MCL 125.3402. If referendum procedures are initiated, this Ordinance will take effect in accordance with MCL 125.3402.

YEAS:

NAYS:

ABSENT/ABSTAIN:

ORDINANCE DECLARED ADOPTED.

John Hibbard, Township Supervisor

CERTIFICATION

I hereby certify that:

1. The above is a true copy of an Ordinance adopted by the Lake Township Board at a duly scheduled and noticed meeting of that Township Board held on _____, pursuant to the required statutory procedures.
2. A summary of the above Ordinance was duly published in the Houghton Lake Resorter, a newspaper that circulates within Lake Township, on _____.
3. Within 1 week after such publication, I recorded the above Ordinance in a book of ordinances kept by me for that purpose, including the date of passage of the ordinance, the names of the members of the township board voting, and how each member voted.
4. I filed an attested copy of the above Ordinance with the Roscommon County Clerk on _____.

ATTESTED:

Andrea Grabowski, Township Clerk